



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

US EPA RECORDS CENTER REGION 5



436270

OCT 30 1996

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles J. Borum
1030 Valley Street
P.O. Box 277
Dayton, OH 45404

RE: Dayton Electroplate, Inc
General Notice of Potential Liability and
Request for Information

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site, and is planning to spend public funds to control and investigate these releases. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq., (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party. Responsible parties under CERCLA include the current and former owners and operators, and persons who generated the hazardous substances or were involved in transport, treatment, or disposal of them at the Site. Under Section 107(a) of CERCLA, 42 U.S.C. §9607(a), where the Agency uses public funds to achieve the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the Site, including investigation, planning and enforcement.

The U.S. EPA is currently planning to conduct the following actions at the above referenced Site.

1. Develop and implement a site health and safety plan including an air monitoring plan;
2. Develop and implement a site security plan;
3. Characterize, remove and properly dispose of hazardous substances and wastes at the site in drums, containers, vats, tanks, roll-off boxes, and process equipment;
4. Decontaminate and decommission all plating vats and containers at the site. Decontaminate the entire concrete floor and associated building structures;
5. Properly dispose of all contaminated plating vats, containers, debris, and building structures which cannot be decontaminated;
6. Identify the extent to which site soils have been impacted by the hazardous substances utilizing soil samples.

U.S. EPA has received information that your company may have owned or operated or generated or transported hazardous substances that were disposed of at the Site. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities that U.S. EPA has determined or will determine are required at the Site.

As a potentially responsible party, you should notify U.S. EPA in writing within fourteen (14) days of receipt of this letter of your willingness to perform or finance the activities described above. If U.S. EPA does not receive a timely response, U.S. EPA will assume that your organization does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that your organization has declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are

already involved in discussions with state or local authorities, engaged in voluntary cleanup action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, U.S. EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of the U.S. EPA has the authority to require any person who has or may have information relevant to any of the following to furnish U.S. EPA with such information: (1) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (2) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (3) the ability of a person to pay for or perform a cleanup. Pursuant to CERCLA Section 104(e), you are hereby requested to submit the following information concerning the Dayton Electroplate Site in fourteen (14) days.

Copies of all shipping documents or other business documents relating to the transportation, storage and/or disposal of waste materials or substances at the above referenced Site.

1. A detailed description of the generic common and/or trade name and the chemical composition and character (i.e. liquid, solid, sludge) of the waste material offered by you and/or transported by you to the above referenced Site.

2. For each hazardous substance above, please give the total volume, in gallons for liquids and in cubic meters for solids, for which you arranged for disposal and list when those substances were transported to the above referenced Site.

4. What arrangements were made to transport the hazardous substances which were taken to the above referenced Site? What type of transportation was used (i.e. tankers, dump trucks, drums)?

5. Who were the generators of hazardous substances you transported, and provide their current address?

6. Copies of all records, including analytical results, and material safety data sheets, which indicate the identity, amounts and chemical composition and/or chemical character of the waste material(s) transported to, stored or disposed of at the above referenced Site or offered for transportation to, storage or disposal at the Site.

7. A list description of all liability insurance coverage that is and was carried by you including any self insurance provisions, that relates to hazardous substances and/or the above referenced Site and copies of all of these insurance policies.

8. For each hazardous substance please give the location at which it was disposed on the Site. Please include a map of the Site with disposal locations on it.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the above referenced Site and to the transportation, storage, and/or disposal of hazardous substances or the generation of hazardous substances which were ultimately disposed of or offered for disposal at the Site. The relevant time period for this request is fourteen days.

For purposes of this information request, "shipping documents" shall mean all contracts, agreements, purchase orders, requisitions, pick-up or delivery tickets, customs forms, freight bills, shipping memoranda, order forms, weight tickets, work orders, bills and any other similar documents that evidence discrete transactions involving shipment, or the arrangement for shipment, of waste materials to, through, or from, the above referenced Site. "Waste materials" shall mean hazardous substances, solid wastes and hazardous wastes, and other materials which may or may not contain pollutants or

contaminants, and shall include reclaimed and off-specification material of any kind.

This request is directed to your company, its officers, directors, and employees, and its subsidiaries, divisions, facilities and their officers, directors, and employees. The information sought herein must be sent to U.S. EPA within fourteen (14) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by U.S. EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by the U.S. EPA. Information claimed as confidential will be handled in accordance with the provisions of 40 C.F.R. Part 2.

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to U.S. EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify U.S. EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. Section 1001. The U.S. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

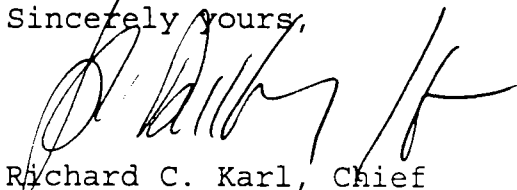
Your responses to both the notice of potential liability fourteen (14) days and the information requests fourteen (14) days, should be sent to:

Arlene Lilly
U.S. EPA - Region 5
Emergency Enforcement & Support Section SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604

If you need further information regarding this letter, you may contact Arlene Lilly, Emergency Enforcement & Support Section, at (312)353-1907. Direct any legal questions to Jose deLeon, of the Office of Regional Counsel, at (312)353-7456.

Due to the nature of the problem at this Site and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written responses within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'R. Karl', with a stylized flourish extending from the end.

Richard C. Karl, Chief
Emergency Response Branch

PRP's receiving letter

Paul Borum
106 Del Park Avenue
Oakwood, Ohio 45419

Mr. Gordon H. Savage
Registered Agent for
Dayton Electroplate, Inc.
2700 Kettering Tower
40 North Main Street
Dayton, Ohio 45423

Charles J. Borum
1030 Valley Street
P.O. Box 277
Dayton, Ohio 45404